

Message Text

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44

ACTION IO-14

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USIE-00 INRE-00 AID-20 EB-11 ARA-11 EA-11 NEA-10

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AMEMBASSY VIENNA

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AMCONSUL MONTREAL

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VIENNA FOR IAEA AND UNIDO; PARIS FOR UNESCO;

ROME FOR FODAG; MONTREAL FOR ICAO

E. O.11652 NA

TAGS: UN SENV

SUBJ UNEP GOVERNING COUNCIL: COMMITTEE CONSIDERATION

GENERAL PROCEDURES FOR FUND, ARTICLE VIII

1. MAJOR STICKING POINT ENCOUNTERED SO FAR IN COMMITTEE CONSIDER-
ATION GENERAL PROCEDURES IN ARTICLE VIII, RESPONSIBILITIES OF
GOVERNING COUNCIL AND EXECUTIVE DIRECTOR. DAY- LONG EFFORT BY
OPEN- ENDED WORKING GROUP FAILED RESOLVE DIFFERENCES, AND COMMITTEE
DECIDED, AT NIGHT SESSION, TRANSMIT FOLLOWING TEXT (DISPUTED WORDS
IN SQUARE BRACKETS) TO PLENARY FOR RESOLUTION: QUOTE ARTICLE VIII
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RESPONSIBILITIES OF THE GOVERNING COUNCIL AND OF THE EXECUTIVE DIRECTOR

1. THE GOVERNING COUNCIL SHALL PROVIDE GENERAL POLICY GUIDANCE WITH A VIEW TO ENSURING THAT THE RESOURCES OF THE FUND ARE EMPLOYED WITH MAXIMUM EFFICIENCY AND EFFECTIVENESS IN PURSUANCE OF THE PURPOSES OF THE FUND. TO THIS END, PROJECTS MAY BE APPROVED ON THE BASIS OF ESTIMATES OF FUTURE RESOURCES AND THEIR APPORTIONMENT UNDER SUCH CONDITIONS AS MAY BE LAID DOWN BY THE GOVERNING COUNCIL ON THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR.
2. THE EXECUTIVE DIRECTOR SHALL PREPARE AND SUBMIT ANNUALLY TO THE GOVERNING COUNCIL THE FUND PROGRAMME AND DETAILED FUND PROGRAMME ACTIVITIES TOGETHER WITH A MEDIUM- TERM PLAN INCORPORATING ESTIMATES OF RESOURCES AND EXPENSES. THE FUND PROGRAMME ACTIVITIES PRESENTED TO THE GOVERNING COUNCIL SHALL INCORPORATE AS MUCH DETAIL AS IS FEASIBLE, INCLUDING OPERATIONAL ACTIVITIES ENVISAGED AND ESTIMATES OF EXPENDITURE.
3. THE GOVERNING COUNCIL SHALL APPROVE THE FUND PROGRAMME AND SHALL EXERCISE EFFECTIVE CONTROL OVER ITS CONSTITUENT FUND PROGRAMME ACTIVITIES, APPORTIONING RESOURCES TO THEM AND CONTROLLING THEIR USE. IN SO DOING THE GOVERNING COUNCIL SHALL AUTHORIZE THE NECESSARY ALLOCATION OF FUNDS TO COVER THE FOLLOWING MAIN CATEGORIES OF EXPENDITURE: (I) FUND PROGRAMME ACTIVITIES; (II) FUND PROGRAMME RESERVE ACTIVITIES; (III) PROGRAMME SUPPORT COSTS; (IV) ADMINISTRATIVE COSTS OF THE FUND.
4. THE GOVERNING COUNCIL (BEGIN SQUARE BRACKET) SHALL DECIDE AT EACH SESSION WHETHER IT WISHES (CLOSE SQUARE BRACKET) (BEGIN SQUARE BRACKET) MAY REQUEST (CLOSE SQUARE BRACKET) THE EXECUTIVE DIRECTOR TO SUBMIT TO IT FOR CONSIDERATION AND APPROVAL, WITHOUT PREJUDICE TO PRE- PROGRAMMING ACTIVITIES, ANY OR ALL PROJECTS TO BE CARRIED OUT WITHIN APPROVED FUND PROGRAMME ACTIVITIES.
5. SUBJECT TO (BEGIN SQUARE BRACKETS) THE DECISION OF THE GOVERNING COUNCIL AS IN (CLOSE SQUARE BRACKETS) PARAGRAPH 4 ABOVE, THE EXECUTIVE DIRECTOR, ON BEHALF OF AND UNDER THE AUTHORITY OF THE GOVERNING COUNCIL, SHALL APPROVE PROJECTS WITHIN THE APPORTIONMENT OF RESOURCES OF FUND PROGRAMME ACTIVITIES, AND ALLOCATE FUNDS FOR SUCH PROJECTS WITHIN THE APPROVED FUND PROGRAMME. HOWEVER, THE LIMITED OFFICIAL USE

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EXECUTIVE DIRECTOR SHALL SUBMIT TO THE GOVERNING COUNCIL ANY PROJECT WHICH, BECAUSE OF ITS POLICY IMPLICATIONS OR MAGNITUDE, DESERVES THE GOVERNING COUNCIL'S CONSIDERATION AND APPROVAL. THE EXECUTIVE DIRECTOR SHALL ALSO SUBMIT TO THE GOVERNING COUNCIL FOR APPROVAL ANY PROJECT WHICH HE CONSIDERS SHOULD BE EXECUTED DIRECTLY BY THE EXECUTIVE DIRECTOR.

6. THE GOVERNING COUNCIL SHALL BE INFORMED AT EACH SESSION OF ALL PROJECTS APPROVED IN THE INTERVAL WHICH HAS ELAPSED SINCE ITS PREVIOUS SESSION, AND ON PROGRESS MADE IN THE IMPLEMENTATION OF PROJECTS.

7. IN ADDITION TO SUCH RESPONSIBILITIES FOR THE APPROVED FUND PROGRAMME AS MAY BE DELEGATED TO HIM BY THE GOVERNING COUNCIL, THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE AND ACCOUNTABLE TO THE GOVERNING COUNCIL FOR ALL PHASES AND ASPECTS OF THE IMPLEMENTATION OF THE FUND PROGRAMME AS PROVIDED IN ARTICLE XVII BELOW. UNQUOTE

2. U. S. JAPAN, AND CANADA HAVE SUPPORTED PARA 4 WITH WORDS IN SECOND BRACKETS AND PARA 5 WITHOUT WORDS IN BRACKETS. THESE DELS HAVE INSISTED ALTERNATE FORMULATION FORCES COUNCIL ANNUALLY INTO CONSIDERATION PROJECTS, WHICH WILL DEFLECT COUNCIL FROM ITS PRIMARY ROLE AND HAMSTRING SECRETARIAT. UK, CHIEF ARCHITECT OF OTHER FORMULATION IN EFFORT FIND COMPROMISE, BELIEVES FIRST SENTENCE PARA FOUR ORIGINAL TEXT ALREADY PROVIDES BASIS FOR ANNUAL COUNCIL PREOCCUPATION WITH PROJECTS, IF IT SO CHOOSES UK LANGUAGE, IN OUR JUDGMENT, VERY UNFORTUNATE, SINCE IT FORCES COUNCIL TO TAKE ANNUAL DECISION ON THIS QUESTION.

3. PRINCIPAL VILLAIN IN SCENE IS INDIAN MEMBER COMMITTEE (A. S. MANI, INDIAN PERM. MISSION, NEW YORK) WHO THROUGHOUT COMMITTEE CONSIDERATION AND PARTICULARLY ARTICLE VIII HAS BEEN DIFFICULT, UNREASONABLE, AND OBSTRUCTIONIST.

4. US DEL CONSULTING OTHERS IN EFFORT RESOLVE PROBLEM, PRIOR PLENARY CONSIDERATION, WHICH NOT EXPECTED BEFORE FRIDAY PM AT EARLIEST. DEL INTENDS URGE ACCEPTANCE FORMULATION, ORIGINALLY SUGGESTED AND LATER WITHDRAWN BY SRI LANKA WHICH WOULD INVOLVE DELETION OF WORDS NOW IN BOTH BRACKETS IN PARA 3 AND SUBSTITUTION OF WORDS " SHALL, IF IT SO DECIDES, REQUIRE."

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5. DEPARTMENT' S COMMENTS FOREGOING WELCOME.

6. COMMITTEE CONSIDERATION ARTICLES IX AND REMAINING CONTINUES TODAY, WITH NIGHT SESSION AGAIN PROMISED. BASSIN

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